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Attorneys for Defendants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X Case No. 1:23-cv-09482-JPO

NICHOLAS WIDMER, LINDSEY ROOT, and SOPHIA
FITZSIMONDS, in their individual capacities and on
behalf of all others similarly situated,

Plaintiffs,

- against -

SCALE FACILITATION®, DAVID A. COLLARD,
VANESSA GERONIMO, MICHAEL WINN, AND
JACKIE NOLLER,

Defendants.

-----X

**DEFENDANTS SCALE FACILITATION AND VANESSA GERONIMO'S REPLY IN
FURTHER SUPPORT OF THEIR MOTION TO DISMISS**

Defendants Scale Facilitation (“Scale”) and Vanessa Geronimo (“Geronimo”) file this Reply in further support of their Motion to Dismiss.

In their Opposition, Plaintiffs ask for additional time to effectuate service prior to dismissal of the lawsuit. (Plaintiffs’ Mem. In Opp. to Motion to Dismiss, Dkt. No. 22.) Defendants are not opposed to the request for a reasonable amount of additional time for plaintiffs to properly effectuate service. However, as of the filing of this Reply, Defendants have not been served and no proof of service has been filed with the Court.

Plaintiffs admit that Scale has not been served. Dkt. No. 22 at 2-3 (“When attempting to

properly serve Defendant Scale Facilitation, Plaintiffs effectuated service at what was assumed to be corporate headquarters at 501 Madison Avenue 82nd Floor, New York, NY 10022. However, this address was associated with an unaffiliated entity called Scale Strategy.”). While Plaintiffs assert that Scale has now been served and that they have sought confirmation from Defendants’ counsel (Dkt. No. 22 at 3 n.1.), Scale has not been served and Plaintiffs have not sought confirmation that Scale has been served from Scale’s counsel. *See Declaration of David Collard dated January 16, 2023, filed with this reply.* For Defendant Geronimo, Geronimo disagrees with Plaintiffs’ argument that service has been properly effectuated for the reasons stated in the Motion to Dismiss.

January 16, 2024

Respectfully submitted,

/s/ Mark A. Robertson

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